

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for February 4, 2004 PLANNING COMMISSION MEETING

This is a combined staff report for related items. This report contains a single background and analysis section for all items.

P.A.S.: SP #1928A - Sterling University Phase 2 CUP
CZ #3421 - H-3 Highway Commercial to R-3 Residential

PROPOSAL: Amend the Oak Creek Apartments Community Unit Plan to add 171 dwelling units for 561 occupants and additional amenities to the existing student housing project, bringing the development total to 328 dwelling units for 1,150 occupants. Change the zoning within Phase 2 from H-3 Highway Commercial to R-3 Residential.

LOCATION: West of North 1st Street and south of West Charleston Street.

WAIVER REQUEST:

1. Landscape Screening for CUP.

<u>LAND AREA:</u>	Phase 2	28.8 acres, more or less
	Entire CUP	55.2 acres, more or less

CONCLUSION: This community unit plan demonstrates a site design that is sensitive to the existing wetlands, borrows most of its fill from on site, and meets the requirements for dwellings for non-related persons. This proposal is a continuation of the existing student oriented apartments located immediately to the west. Changing the zoning is necessary for this development to occur, and generally conforms to the Comprehensive Plan.

RECOMMENDATION:

Special Permit #1928A	Approval
Waivers	
1. Landscape Screening for CUP	Approval
Change of Zone #3421	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION:

SP #1928A

Phase 2 A portion of Lot 81 I.T. and a portion of Lot 90 I.T., located in the SE1/4 of Section 15 T10N R6E; a portion of Lot 263, a portion of Lot 302, and a portion of Lot 303, all located in the NE1/4 of Section 22 T10N R6E, Lancaster County Nebraska.

Entire CUP A portion of Lot 81 I.T., a portion of Lot 90 I.T., and Lots 85 I.T. and 91 I.T., all located in the SE1/4 of Section 15 T10N R6E; Lots 132 I.T. and 302, a portion of Lot 263, and a portion of Lot 303, all located in the NE1/4 of Section 22 T10N R6E, Lancaster County Nebraska, more particularly described in Exhibit A.

CZ #3421 A portion of Lot 81 I.T., located in the SE1/4 of Section 15 T10N R6E; a portion of Lot 263 I.T., located in the NE1/4 of Section 22 T10N R6E, Lancaster County, Nebraska, more particularly described in Exhibit C.

EXISTING ZONING: R-3 Residential and H-3 Highway Commercial.

EXISTING LAND USE: Apartments, wetlands, vacant

SURROUNDING LAND USE AND ZONING:

North:	Oak Creek, mini-warehousing	I-1 Industrial
	Vacant	H-3 Highway Commercial
South:	Vacant	H-3 Highway Commercial
	Vacant	R-3 Residential
East:	Vacant	H-3 Highway Commercial
	Oak Lake, City tow lot and BMX track	P Public
West:	Multiple-Family Residential CUP	R-3 Residential

ASSOCIATED APPLICATIONS: Preliminary Plat #03011 Outfield Park

HISTORY:

Jul 2002 Administrative Amendment #02034 to Special Permit #1928 approved a water meter building, access drive across the railroad line, relocated parking stalls, revised notes, and bus stop.

Jan 2002 Special Permit #1928 approved Oak Creek Apartments CUP with 157 dwelling units (589 bedrooms).

- Jan 2002 Change of Zone #3329 approved changing the zoning from I-1 Industrial to R-3 Residential over the original Oak Creek Apartments CUP area.
- Jan 2002 Change of Zone 3346 approved changing the zoning from I-1 industrial to H-3 Highway Commercial in the area of this amendment.
- May 1979 This area was changed from K Light Industrial and I Heavy Industrial to I-1 Industrial through the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan designates this area as Urban Residential, Commercial, Environmental Resources, and Green Space. (F 25)

Urban Residential: Multi-family and single-family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (F 27)

Commercial: Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouse, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. (F 22)

Environmental Resources: Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors. Such areas may be either publicly or privately owned. (F 22)

Green Space: Areas predominantly used for active recreational use, such as parks, golf courses, soccer or ball fields, and trails. Green space areas may be either public or privately owned. While some isolated environmentally sensitive features may be within these areas, they are predominantly for active recreation, with some passive recreation uses also possible. (F 22)

The **Guiding Principles for the Urban Environment** include:

Lincoln's future urban growth should generally occur in multiple directions around the existing city. Lincoln will continue to have managed and contiguous growth. Lincoln's sense of community has been based on incremental, compact growth built on the foundation of established neighborhoods. Future growth will continue this traditional pattern and be linked to both the level of demand in the market and to the orderly extension of public improvements and services. (F 17)

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods. (F 17)

Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. These uses may develop along transit routes and provide residential opportunities for persons who do not want to or cannot drive an automobile. (F 18)

Many activities of daily living should occur within walking distance. Neighborhoods should include homes, stores, workplaces, schools and places to recreate. Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents. (F 18)

Overall Guiding Principles for Residential Areas include:

Provision of the broadest range of housing options throughout the community improves the quality of life in the whole community. (F 65)

New residential development is generally discouraged in areas of environmental resources such as saline wetlands, native prairies and in floodplain corridors. (F 66)

Encourage convenient access to neighborhood services (stores, schools, parks) from residential areas. (F 66)

Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile. Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process. (F66)

Many activities of daily living should occur within walking distance. Neighborhoods should include homes, stores, workplaces, schools, and places to recreate. (F 66)

Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods. (F 66)

The **Transportation Planning Principles** for Lincoln and Lancaster County involve different modes of transportation to achieve the safe, efficient and convenient movement of persons and goods. The transportation system includes streets and highways, public transportation, railroads, trails, sidewalks, and airport facilities. (F 85)

The overall objectives of the transportation plan include:

Developing a balanced transportation system that meets the mobility needs of the community and supports Lincoln and Lancaster County's land use projections and plan. (F 87)

Using the existing transportation system to its best advantage. (F 87)

Increasing the use of alternative means of transportation, including public transportation, bicycle transit, and pedestrian movement, by improving and expanding facilities and services and encouraging compact, walkable land use patterns and project designs. (F 87)

Pedestrians are found throughout the community. Their needs can vary by where they are located:

Schools: While it might not be critical for the route to school to be picturesque and visually captivating, a safe and secure environment must be provided for students going to and coming from schools. Sidewalks should be direct and continuous with safe street crossings. (F 91)

Other Areas: All areas of the community should have safe, secure, and reasonably direct pedestrian connections. Activities of daily living should be available within walking distance. Neighborhoods should include homes, stores, workplaces, schools, and places to recreate. Interconnecting streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, and conserve energy. (F 91)

Public Transportation is an essential component of the transportation system and should be integrated with all other transportation modes. (F 97)

Transit service reacts to the density of the City, transportation corridors and activity centers, as well as to the design of activities along those corridors and centers it serves. High travel corridors and activity centers with a mix of uses provides the demand that can effectively support higher levels of transit service. (F 97)

Effective public transportation service requires good pedestrian connections to and from transit stops, density of activities, and development designs supportive of transit riders...Productive transit service requires high density land development patterns which link residential areas to employment, retail, and service centers. Development design needs to be transit friendly providing convenient access to transit services. (F 98)

UTILITIES: Water service is private, all other utilities are public. As shown on the proposed plan, the private system crosses over the public system. This raises concerns over potential damage to one system during construction or maintenance of the other. Ideally, the private service would be relocated to not cross the public system. Additionally, public utilities will not be allowed to be constructed in landfill material.

TOPOGRAPHY: The site is generally flat, with wetlands in depressed areas.

TRAFFIC ANALYSIS: The 2025 Comprehensive Plan designates Charleston Street east of North 1st Street as a Collector, both now and in the future. Charleston Street west of North 1st Street is classified as a Local Street both now and in the future. North 1st Street is identified as a Collector at the present time, and as a Principal Arterial in the future. (E 49, F 103) Improvements to North 1st Street between US 34 ("O" Street) and Alvo Road are identified in the Comprehensive Plan. The improvements include realignment of Sun Valley Boulevard and changing this portion of North 1st into a 4 lane plus turn-lane cross section. (F 111)

The traffic analysis indicates recommendations that do not match the proposed plan in relation to the drive locations and the intersection of North 1st and Charleston Streets. Also, the paving width as shown on the portion of private roadway should be increased given the potential uses of properties north and south of this development.

Due to the large number of residents in this complex, a secondary access is being provided east of the Charleston/North 1st Street intersection. In the short term, this access will connect the apartments to the City tow lot driveway, then to Charleston Street. Should this access be closed by the City or due to reconstruction work in Sun Valley Boulevard, the developer will provide a private road connection from the apartments to the south, connecting to Sun Valley Boulevard at Line Drive.

Principal Arterials: This functional class of street serves the major portion of through-traffic entering and leaving the urban area and is designed to carry the highest traffic volumes. These serve intra-area traffic such as between the CBD and outlying residential areas and traffic between major inner-city communities or

suburban centers. Included in this class are fully controlled access facilities and partially controlled access facilities. The principal arterial system is stratified into the following (two) subsystems:

Other Principal Arterials: This functional class of street serves the major portion of intercommunity and intracommunity traffic movement within the urban area and is designed to carry high traffic volumes. For other principal arterials, the concept of service to abutting land is subordinate to serving major traffic movements. Facilities within this classification are capable of providing direct access to adjacent land but such service is to be incidental to the primary functional responsibility of moving traffic within this system. (F 102)

Collector: These streets serve as a link between local streets and the arterial system. Collectors provide both access and traffic circulation within residential, commercial, and industrial areas. Moderate to low traffic volumes are characteristics of these streets. (F 105)

Local Streets: These are composed of all lower order facilities that essentially serve as a conduit between abutting properties and higher order streets. Local streets provide the lowest level of mobility and generally exhibit the lowest traffic volumes. (F 105)

PUBLIC SERVICE: The nearest fire station is located at 2nd and “N” Streets. The residents of these apartments are provided with bus transportation to and from UNL, if they choose. The owner has agreed to a bus route that does not use local streets within nearby residential areas.

ENVIRONMENTAL CONCERNS: Much of the land in this area sits over an old landfill site. Although Applicant will clean landfill from within the limits of the development area, concerns still exist regarding the production of methane gas from anaerobically decaying organic matter. Methane gas can travel horizontally, and therefore, potentially enter the buildings posing a health risk to occupants.

All of this area lies within the combined floodplain of Salt Creek and Oak Creek. Therefore, regulations for construction within the floodplain must be met, and fill permits will be required for any proposed filling of the floodplain. Applicant does propose to borrow most of their fill from on site, however, recommendations for compensatory storage and no net rise should be followed.

AESTHETIC CONSIDERATIONS: The proposed buildings are two- and three-story, and appear to be similar to those already constructed in Phase 1. The City of Lincoln tow lot sits nearby, to the east.

ALTERNATIVE USES: This site could remain zoned H-3 Highway Commercial and be developed with commercial uses.

ANALYSIS:

1. This is a request to amend the Oak Creek Apartments Community Unit Plan to add 171 additional dwelling units (561 bedrooms), and amenities to the existing student

housing project, as well as to change the zoning on a portion of the site from H-3 Highway Commercial to R-3 Residential.

2. The existing Phase 1 site is fully developed, and is approved for 157 dwelling units, with 529 bedrooms. If this request is approved, there will be a total of 328 dwelling units for 1,090 residents.
3. The total allowable density that can be supported by this 55.2 acres depends upon the make-up of the units. The 1, 2, and 3-bedroom units have a calculated density of 6.96 units/acre. There are 97 such units, requiring 14.1 acres. The 230 4-bedroom units are calculated at 2,000 square feet per bedroom. Therefore, the 920 bedrooms require 42.2 acres. In total, this CUP requires 56.3 acres. The legal description of this CUP (Exhibit A) states there are 56.1 acres, while the density calculations on the site plan state 55.2 acres. This discrepancy must be resolved.
4. The site sits over an old landfill. Because of financing company requirements, Applicant will clean any landfill material from the limits of this CUP. The shape of this site was dictated largely by the location of landfill material, minimizing the amount of cleaning that will be necessary.

However, this shape also splits the remaining parcel in two, complicating future access and circulation patterns. As part of the associated preliminary plat, Applicant has proposed a private roadway through this property, from West Charleston to Sun Valley Boulevard to address traffic circulation concerns. The Community Unit Plan drawings must be revised to show the same circulation patterns as shown on the preliminary plat

5. The existence of landfill material under and near this site raises concerns over potential exposure to methane gas. The Health Department's concerns regarding possible methane gas exposure have not been addressed.
6. The grading plan indicates fill material from within the floodplain is being used. The Public Works Department recommends utilizing compensatory storage practices to offset lost flood storage. The grading plan should also meet a no net rise standard.
7. This development, both Phases 1 and 2, are targeted at the university student population. Shuttle buses are provided between the apartments and UNL city campus for residents of the apartments. The owner has committed to bus routes that avoid driving through the nearby residential neighborhoods. The location of this development also provides for pedestrian and bicycle access to city campus.
8. The Applicant has requested a waiver of CUP landscape screening due to the remote location and unique surroundings of this property. This site is surrounded by Oak

Creek, Oak Lake, and H-3 Highway Commercial zoned property. The Design Standards require uses in H-3 to provide a landscape screen when they abut residential property. Requiring a screen on both properties would be redundant. It seems more appropriate for the commercial uses to screen themselves from the residential uses, rather than vice-versa. Since there are no lower intensity residential uses adjacent to this CUP, Planning Staff recommends approval of this waiver.

9. A review process for change of zone proposals is not defined within the Zoning Ordinance. However, Neb. Rev. Stat. §15-902 provides a list of considerations that has traditionally been utilized for such reviews.

1. Safety from fire, flood and other dangers.

Although this area is within the floodplain, design regulations require construction methods that will minimize flood impact upon the apartment structures and habitable space. Traffic congestion concerns and emergency rescue needs will be improved through use of the secondary access bypassing the Charleston/North 1st Street intersection.

2. Promotion of the public health, safety, and general welfare.

This proposal appears to fulfill several of the policies and guidelines enumerated in the Comprehensive Plan. Additionally, this project will provide housing and transportation for many university students, located in close proximity to city campus.

3. Consideration of the character of the various parts of the area, and their particular suitability for particular uses, and types of development.

The existing apartments have been successful at this location. With the anticipated realignment and widening of Sun Valley Boulevard, this area can be expected to have some amount of increased development potential. Locating student housing in this area can help provide support and motivation for development.

4. Conservation of property values.

It is difficult to determine the effect a change of zoning will have on property values. The value of this property has been based upon commercial zoning, but the property sat vacant. Through this community unit plan and development proposal, this property will be likely be more valuable. The value of neighboring commercial property may be affected by changes within this site, but will also be influenced by anticipated road work in Sun Valley Boulevard and changes that may bring.

5. Encouraging the most appropriate use of land throughout the area zoned, in accordance with a comprehensive plan.

The success of the existing apartments suggests there is demand for additional student housing in this area of town. Close proximity to transportation routes, public park space, and UNL city campus support residential uses in this area.

10. Planning Staff recommends approval to Change of Zone #3421.
11. Planning Staff recommends approval to Special Permit #1928A Sterling University CUP based upon the following conditions. Planning Staff also recommends approval to the waiver of CUP landscape screening.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the plans to show:
 - 1.1.1 Revise the Density Calculations Table for Phase 1 with the approved figures.
 - 1.1.2 Revise the legal description to include the required amount of land, or reduce the number of units to coincide with the amount of land shown in the legal description.
 - 1.1.3 Remove the Temporary Access Drive and Note 4.
 - 1.1.4 Make any other revisions necessary and consistent with revisions required of Preliminary Plat #03011 Outfield Park.
 - 1.1.5 Revise the grading to show compensatory storage and no net rise.
 - 1.2 Submit a plan for the approval of the Director of Lincoln-Lancaster County Health Department indicating how the developer will address the potential for methane gas exposure.
2. This approval permits the addition of ____ dwelling units, ____ of which are dwellings for non-related persons with ____ occupants, and a waiver of the requirement of the

Design Standards that landscape screening be provided for Community Unit Plans. The total approved density for Phases 1 and 2 is _____ dwelling units, _____ of which are dwellings for non-related persons with _____ occupants. The missing numbers will be based upon the final land area.

General:

3. Before receiving building permits:

3.1 The permittee shall have submitted a revised **final** plan including 8 copies and the plans are acceptable.

3.2 The construction plans shall comply with the approved plans.

3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.

4.2 All privately-owned improvements shall be permanently maintained by the owner.

4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Greg Czaplewski
Planner

Date: January 26, 2004

Applicant: The Dinerstein Companies
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713.570.0350

Owners: The Dinerstein Companies
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Chameleon and Company
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475.4746

Dr. Robert White
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Lincoln, NE 68521

Contact: Ross Engineering, Inc.
August Ponstingl
201 North 8th Street
Lincoln, NE 68508
474.7677

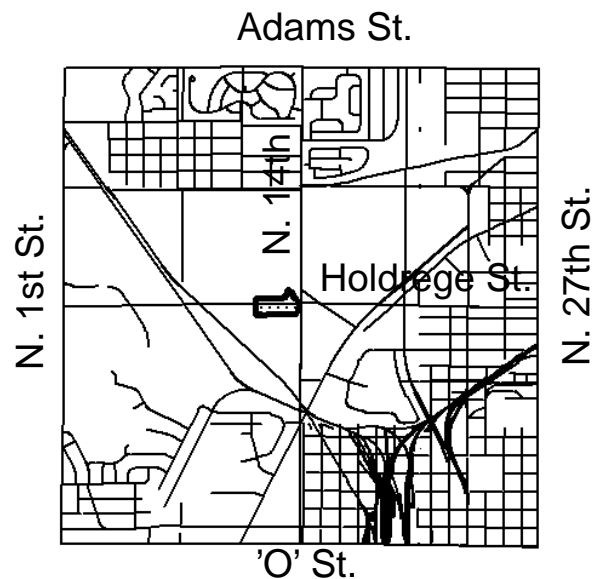
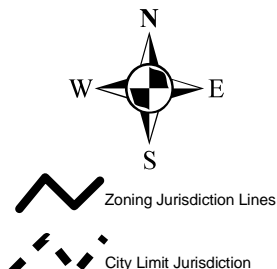


Special Permit #1928A **Sterling University** **Phase II - CUP** **N. 1st & Charleston St.** **Zoning:**

2002 aerial

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

Four Square Miles
 Sec. 15 T10N R6E
 Sec. 22 T10N R6E
 Sec. 23 T10N R6E
 Sec. 14 T10N R6E



Lincoln City - Lancaster County Planning Dept.



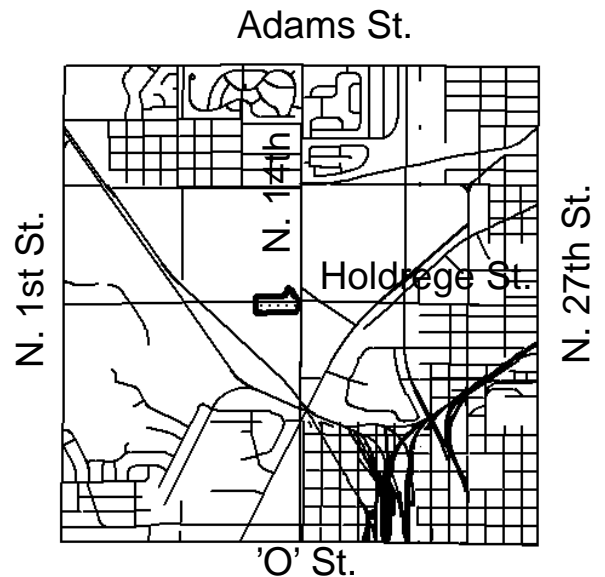
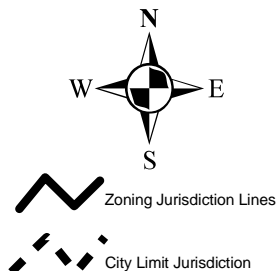
2002 aerial

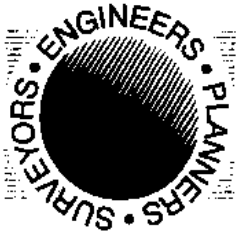
Change of Zone #3421 N. 1st & Charleston St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

Four Square Miles
Sec. 15 T10N R6E
Sec. 22 T10N R6E
Sec. 23 T10N R6E
Sec. 14 T10N R6E





ROSS
Engineering,
Inc.

September 18, 2003

Mr. Marvin Krout, AICP
Planning Director
City of Lincoln Planning Department
555 South 10th Street
Lincoln, NE 68508

Re: Amended Community Unit Plan Submittal
Lincoln, Nebraska
No. 1st Street and West Charleston Avenue
REI Project No. 129802-B

ESTABLISHED
1974

*Innovative
Designs
For the
Future of
Tomorrow*

Ladies and Gentlemen of the Planning Commission:

On behalf of The Dinerstein Companies, we are submitting an Application for an Amendment to the existing Community Unit Plan (CUP) for Sterling University to add an additional 171 apartment units and a clubhouse. Other amenities we are adding include a swimming pool, basketball court and volleyball court. There will be a mail kiosk located near the clubhouse for all mail deliveries. The apartment complex will add 110 four-bedroom units, 60 two-bedroom units, plus one single bedroom unit for a caretaker. The proposed amendment to the apartment complex is also targeted for college students as was the Phase 1. The Dinerstein Companies have been providing quality housing for college students since 1997. Currently they have complexes in 20 states throughout the United States.

The developers will double the amount of transportation to and from the University of Nebraska they are providing by adding an additional shuttle bus. This will reduce traffic to and from the complex. The additional shuttle bus will use the same alternative route around the North Bottoms neighborhood that the current bus uses.

This application for a CUP is in conjunction with a Change of Zone request and Administrative Final Plat. Included with this submittal is an Exhibit identifying the Change of Zone. We are requesting a change of H-3 to R-3 for the portion of Phase 2 that is located on the Chameleon and Company property. Our rationale for this change to R-3 is to make this portion harmonious with Phase 1, which is R-3.


The Administrative Final Plat will create 6 lots and one outlot. Lot 6 shall be for the residential units of Sterling University Phase 2; a large portion of Lot 5 will remain a wetland and be used as a density bank for the CUP. Lots 1-4 shall be sold as commercial lots. Potential uses for these lots include a restaurant, a strip mall for college oriented commercial sales and a gas station/convenient store. The subdivider would like to take advantage of the proximity to the college-aged crowd at Sterling University Phase 1 & 2. No public or private streets will create with these lots.

The proposed development is generally located at 1st and Charleston Streets and lies within the 100-Year Floodplain. There will be minimal fill required due to excavation on site in the northwest corner and within the adjacent 17 acres. There will be some trucked in clay material under the buildings. The area of Phase 1 consisted of approximately 32.813 acres and an additional 23.323 acres with Phase 2, the total area for the amended CUP is 56.136 acres.

Wetland:

Wetlands exist within both the original and the Amended the CUP boundary. For the Phase 1, the Dinerstein Companies retained Terracon Consultants, Inc. to perform a jurisdictional wetlands determination and delineation on the 33-acre parcel. Terracon identified a total of 5.21 acres of wetlands in four categories. The four categories are described as Wt-1, Wt-2, Wt-3 and Wt-4. For Phase 2, the Dinerstein Companies retained GSI Consultants, Inc. to perform a jurisdictional wetlands determination and delineation on the added parcels.

The Candy Factory
201 North 8th Street
Suite 401
Lincoln, NE 68508
Phone 402.474.7677
Fax 402.474.7678



The proposed development will not impact the existing wetlands. The developer has incorporated the wetlands in the site plan so as not to disturb any of the wetlands. In addition to the wetlands discussed above, there are additional wetlands to the southwest across the railroad tracks. This area is approximately 17 acres. The developer plans to use the higher areas within the 17 acres to obtain borrow material. More wetlands would be created as a result of obtaining borrow material.

Landfill:

Portions of the site were reportedly used for solid waste disposal by the City of Lincoln. GSI has performed an Electromagnetic Survey to identify the limits of the landfill, as well as dug test pits to confirm this finding. The limits of the landfill are identified on Sheet 11. Any existing landfill within the limits of the developed area will be removed and trucked to the City of Lincoln Landfill.

Sanitary Sewer:

There is an existing 10-inch sanitary sewer main on Charleston Street. An 8-inch sanitary sewer main will be extended to service Phase 2. The sanitary sewer main within the complex will be private.

Water:

The water main will extend west along Charleston Street from 1st Street. It will be 8-inch along Charleston Street and Public. The water main will be reduced to 6-inches to serve Phase 2. The water main will be private within the development and will include a meter and backflow preventor. The water will Loop thru Phase 2 into Phase 1 and back to West Charleston Street.

Paving:

Charleston Street west of 1st Street has been improved to a 33-foot-wide public street. Drives within the complex will be 25-feet wide. There will be a minimum of one parking stall per bedroom, with a total of 561 parking stalls. 8 of the parking stalls are handicap.

Green space

A large green space and path runs thru the center of the 3 large blocks to the north, connecting to the pool and Rec area. This path is delineated at crosswalks within the north-south parking lots. This path is continuous into the bike path along W. Charleston Street. There are two connections via bike paths/sidewalks to Phase 1. A north connection will cut between Wetlands WT-3 and WT-2. The second will follow the drive around WT-3 to the south and connect at the southern most portion of Phase 1.

Traffic Study:

The Public Works has requested a traffic study for the intersection of W. Charleston Street and 1st Street. We have contracted with The Schemmer Associates to have this study done. We anticipate this study being completed with several weeks, and we will submit it once it is complete. The Public Works Department is also considering the feasibility of having a traffic signal at that intersection, and it was mentioned that Impact Fees would cover the cost of that signal. We would like to recommend that Impact Fees from Phase 2 go toward the costs of that signal.

Alternative Alignment:

The Alternative Alignment for Sun Valley Boulevard is shown on all drawings. The design of Sterling University Phase 2 took into account the recommendations of The Nebraska Department of Roads. Their standard require the entrance to Phase 2 be located 220-feet from the travel lane. They would also like the access road to the property south of Phase 2 be removed if the alternative Alignment need the additional space to make the transition to grade. We agree that if the Sun Valley Boulevard realignment should need distance where the access road to the east of Phase 2, the access road would be removed at that time. The Nebraska Department of Roads Access Committee was requested to grant access to the property south of Phase 2, and that access was granted September 2nd, 2003. Enclosed is a letter from Steve McBeth stating that access has been granted on the west side of Sun Valley Boulevard opposite Line Drive.

We are requesting the following waivers to Design Standards:

1. Chapter 2.05 Section 8. Detention-retention storage.
2. Chapter 3.50 Section 7.3 and 7.4. Screening of multi-family dwellings and residential lots backing onto railroads.



Due to the existing wetlands, close proximity to Oak Creek, and the approximate 23 acres of open space, we feel a detention pond is not warranted. Storm water will surface drain throughout the complex. The majority of the area will surface drain into limestone sedimentation basins and then into open areas. The northwest portion of the development will drain through storm sewer pipes out letting into Oak Creek.

Due to the remote location of the apartments and the amount of open space, we are requesting a waiver to the screening of multi-family dwellings. Open space and the Lincoln Saline Wetlands Nature Center are to the south and west, and Oak Creek borders on the northwest. There is extensive open space and wetlands to the east. The only area that is in close proximity to an adjacent lot is in the extreme northeast section of the development. This area consists of the clubhouse and one apartment building. There is screening of the parking lot in this area. We also have 23 shade trees located throughout the parking lot.

Density Calculation:

Phase 1:

<u>Description</u>	<u>Number of Units</u>		<u>Acres</u>
3 Bed/3 Bath	24 units / 6.96 Units/AC	=	3.448 AC
4 Bed/4 Bath	96 X 4 = 384 BEDROOMS X 2,000 SF / 43,560 SF per AC	=	17.631 AC
2 BDRM	36 / 6.96 units/AC	=	5.172 AC
1 Bed	1 / 6.96 Units/AC	=	0.144 AC
TOTAL Phase 1:			26.395 AC

Phase 2:

<u>Description</u>	<u>Number of Units</u>		<u>Acres</u>
4 Bed/4 Bath	110 units X 4 = 440 Beds X 2,000 SF (bed)/ 43,560 SF/ AC	=	20.202 AC
2 Bedroom	60 / 6.96 units/AC	=	8.621 AC
1 Bed	1 / 6.96 Units/AC	=	0.144 AC
TOTAL Phase 2:			28.967 AC
Grand Total Land Required:			55.362 AC
Total Land in CUP			56.136 AC

Included with this submittal are the following:

- A) Amendment to CUP Application
- B) Exhibit A: Legal Description of CUP
- C) Plans

- 1. Cover Sheet 21 copies
- 2. Existing Topographic Site Plan (1) 4 copies
- 3. Site Plan 24 copies
- 4. Grading Plan: North 4 copies

- | | |
|------------------------|----------|
| 5. Grading Plan: South | 4 copies |
| 6. Drainage Area Plan | 4 copies |
| 7. Street Profiles (1) | 4 copies |
| 8. Street Profile (2) | 4 copies |
| 9. Utility Plan | 4 copies |
| 10. Landscape Plan | 4 copies |
| 11. Limit of Landfill | 4 copies |

D) Filing Fees Check in the amount of \$ 3,385.00

1. Admin Final Plat: Base Fee	\$125.00
Per Lot: \$20.00 (x 7 lots) =	\$140.00
Total Final Plat Fee:	\$265.00

2. CU Base Fee	\$250.00
Maximum unit fee:	\$2,500.00
Total CUP Fee:	\$2,750.00

3. Change of Zone:	
Change to R-3, < 1 acre:	\$370.00

- E) Change of Zone Application
- F) Change of Zone Exhibit B
- G) Exhibit C: Legal Description Change of Zone
- H) Administrative Final Plat Application
- I) Administrative Final Plat
- J) Sept. 2, 2003; Letter from Steve McBeth with NDOR Granting Access

Sincerely,

ROSS ENGINEERING, INC.

Gus Ponstingf
Senior Planner

cc: Jack Dinerstein, Craig Dickerson,
Gary Fairchild, Gary Nichol森

129802L29.doc

Exhibit A

LEGAL DESCRIPTION

AREA OF ADMENDED C.U.P.

East Tract:

A legal description of Lots 86, 87 and a portion of Lot 81 Irregular Tracts, located in the Southeast Quarter of Section 15 and Lots 302, 303 and a portion of Lot 263 Irregular Tracts, located in the Northeast Quarter of Section 22, all located in Township 10 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska and being more particularly described by metes and bounds as follows:

Referring to a found LCSM Aluminum Cap, being the North One-Quarter Corner of Section 22, Township 10 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska; Thence N 89°13'59" E, (an assumed bearing), and on the North Line of the Northeast Quarter of said Section 22, a distance of 464.04 feet to a point, (0.10 feet south and 0.11 feet east of a found 3/4" square pipe), being the Southwest Corner of Lot 86 Irregular Tract, located in the Southeast Quarter of Section 15, Township 10 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska and also said point is on the Easterly Right-of-way Line of the Union Pacific Railroad and the POINT OF BEGINNING; Thence N 47°11'19" W, and on the Westerly Line of Lot 86 Irregular Tract of said Section 15 or the Easterly Right-of-way Line of said Union Pacific Railroad, a distance of 532.33 feet to a found 3/4" square pipe, being the Northwest Corner of Lot 86 Irregular Tract of said Section 15 and also a point on a curve to the left; Thence on a curve to the left and on the Northerly Line of Lot 86 Irregular Tract of said Section 15, having a radius of 2989.79 feet, and a central angle of 04°35'11", with a chord bearing of N 75°56'05" E, a chord distance of 239.26 feet to a found 3/4" square pipe, being the Point of Non-Tangency; N 73°38'10" E, and on the Northerly line of Lot 86 Irregular Tract of said Section 15, a distance of 1416.97 feet to a set 5/8" rebar, being the North-Northeast Corner of Lot 86 Irregular Tract of said Section 15 and also said point is on the Southerly Right-of-way Line of Charleston Street; Thence S 61°32'29" E, and on the Northerly Line of Lot 86 Irregular Tract of said Section 15 or the Southerly Right-of-way Line of said Charleston Street, a distance of 8.76 feet to a found 5/8" rebar, being a point on a curve to the left; Thence on a curve to the left and on the Southerly Right-of-way Line of said Charleston Street, having a radius of 66.00 feet, an arc length of 200.08 feet and a central angle of 173°41'28", with a chord bearing of S 54°19'47" E, a chord distance of 131.80 feet to a found 5/8" rebar, being the Point of Non-tangent Reverse Curvature; Thence on a curve to the right and on the Southerly Right-of-way Line of said Charleston Street, having a radius of 20.00 feet, an arc length of 10.86 feet and a central angle of 31°06'24", with a chord bearing of N 54°19'04" E, a chord distance of 10.73 feet to a found 5/8" rebar, being the East-Northeast Corner of Lot 86 or the Northwest Corner of Lot 87 Irregular Tracts of said Section 15; Thence S 28°29'31" W, and on the East Line of Lot 86 or the West Line of Lot 87 Irregular Tracts of said Section 15, a distance of 433.54 feet to a found 5/8" rebar; Thence S 00°16'21" W, and on the East Line of Lot 86 or the West Line of Lot 87 Irregular Tracts of said Section 15, a distance of 65.82 feet to a found 5/8" rebar; Thence S 89°59'38" W, and on the South Line of Lot 86 or the North Line of Lot 87 Irregular Tracts of said Section 15, a distance of 108.04 feet to a point; Thence S 29°42'09" W, a distance of 148.07 feet to a point; Thence N 89°57'22" E, a distance of 67.41 feet to a point; Thence S 36°32'55" E, a distance of 19.19 feet to a point; Thence N 90°00'00" E, a distance of 408.79 feet to a point; Thence S 43°01'01" E, a distance of 18.18 feet to a point; Thence N 90°00'00" E, a distance of 356.21 feet to a point; Thence N 00°00'00" E, a distance of 60.39 feet to a point; Thence N 90°00'00" E, a distance of 77.86 feet to a point; Thence N 00°00'33" W, a distance of 37.91 feet to a point, being the Point of Curvature; Thence on a curve to the right, having a radius of 280.00 feet, an arc length of 89.48 feet and a central angle of 18°18'39", with a chord bearing of N 09°08'46" E, a chord distance of 89.10 feet to a point; Thence S 61°30'40" E, a distance of 150.36 feet to a point; Thence S 00°00'00" E, a distance of 114.49 feet to a point; Thence N 90°00'00" E, a distance of 17.86 feet to a point, being the Point of Curvature; Thence on a curve to the right, having a radius of 70.50 feet, an arc length of 94.15 feet and a central angle of 76°30'53", with a chord bearing of S 51°44'33" E, a chord distance of 87.31 feet to a point, being the Point of Tangency; Thence S 13°29'07" E, a distance of 114.85 feet to a point; Thence S 00°00'00" E, a distance of 54.83 feet to a point, being the Point of Curvature; Thence on a curve to the right, having a radius of 140.65 feet, an arc length of 108.08 feet and a central angle of 44°01'41", with a chord bearing of S 22°00'50" W, a chord distance of 105.44 feet to a point, being the Point of Tangency; Thence S 44°01'41" W, a distance of 45.79 feet to a point; Thence N 90°00'00" W, a distance of 637.81 feet to a point; Thence S 44°08'35" W, a distance of 27.87 feet to a point; Thence N 90°00'00" W, a distance of 94.18 feet to a point; Thence N 47°56'44" W, a distance of 39.71 feet to a point; Thence N 90°00'00" W, a distance of 28.23 feet to a point; Thence S 33°05'04" W, a distance of 26.97 feet to a point; Thence N 90°00'00" W, a distance of 132.84 feet to a point;

Thence S 01°23'12" W, a distance of 78.42 feet to a point; Thence S 06°29'48" W, a distance of 109.62 feet to a point; Thence S 11°03'59" W, a distance of 87.73 feet to a point; Thence S 64°47'55" E, a distance of 101.73 feet to a point on the East Line of Lot 303 or the West Line of Lot 263 Irregular Tracts, located in the Northeast Quarter of Section 22, Township 10 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska; Thence S 00°19'52" W, and on the East Line of Lot 303 or the West Line of Lot 263 Irregular Tracts of said Section 22, a distance of 473.42 feet to a set 5/8" rebar, being the Southeast Corner of Lot 303 or the Southwest Corner of Lot 263 Irregular Tracts of said Section 22 and also said point is on the Easterly Right-of-way Line of said Union Pacific Railroad; Thence N 46°57'37" W, and on Westerly Line of Lots 302 and 303 Irregular Tracts of said Section 22 or the Easterly Right-of-way Line of said Union Pacific Railroad, a distance of 1491.64 feet to a point, (0.31 feet south and 0.32 feet east of a found 3/4" square pipe), being the Northwest Corner of Lot 302 Irregular Tract and on the North Line the Northeast Quarter of said Section 22 and also said point is on the South Line of Lot 86 Irregular Tract of said Section 15; Thence S 89°13'59" W, and on the North Line of the Northeast Quarter of said Section 22 and the North Right-of-way Line of said Union Pacific Railroad or the South Line of Lot 86 Irregular Tract of said Section 15, a distance of 69.64 feet to the point of beginning and containing a calculated area of 1,724,354.60 square feet or 39.586 acres, more or less.

West Tract:

A legal description of Lot 85 Irregular Tract, located in the South Half of Section 15 and Lot 132 Irregular Tract, located in the Northeast Quarter of Section 22, all located in Township 10 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska and being more particularly described by metes and bounds as follows:

Referring to a found LCSM Aluminum Cap, being the North One-Quarter Corner of Section 22, Township 10 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska; Thence N 89°14'00" E, (an assumed bearing), and on the North Line of the Northeast Quarter of said Section 22, a distance of 97.21 feet to a found 5/8" rebar, being the Southwesterly Corner of Lot 85 Irregular Tract, located in the South Half of Section 15 or the Northwesterly Corner of Lot 132 Irregular Tract, located in the Northeast Quarter of Section 22, all located in Township 10 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska and also said point is on the Easterly Right-of-Way Line of the Burlington Northern and Santa Fe Railway and the POINT OF BEGINNING; Thence N 34°56'54" W, and on the Westerly Line of Lot 85 Irregular Tract of said Section 15 or the Easterly Right-of-Way Line of said Burlington Northern and Santa Fe Railway, a distance of 488.65 feet to a point, being the Northwesterly Corner of Lot 85 Irregular Tract of said Section 15 and said point is on the Southerly Right-of-way of Oak Creek and a point on a curve to the left; Thence on a curve to the left and on the Northerly Line of Lot 85 Irregular Tract of said Section 15 or the Southerly Right-of-way Line of said Oak Creek, having a radius of 2914.79 feet, an arc length of 63.97 feet and a central angle of 01°15'27", with a chord bearing of N 82°25'13" E, a chord distance of 63.96 feet to a point, being the Northeasterly Corner of Lot 85 Irregular Tract of said Section 15 and also said point is on the Westerly Right-of-way Line of Union Pacific Railway; Thence S 47°10'43" E, and on the Easterly Line of Lot 85 Irregular Tract of said Section 15 or the Westerly Right-of-way Line of said Union Pacific Railway, a distance of 597.31 feet to a found 5/8" rebar, being a point on the North Line of the Northeast Quarter and the Southeasterly Corner of Lot 85 Irregular Tract of said Section 15; Thence S 89°14'00" W, and on the North Line of the Northeast Quarter of said Section 22 and the North Right-of-way Line of said Union Pacific Railway or the South Line of Lot 85 Irregular Tract of said Section 15, a distance of 74.35 feet to a found 5/8" rebar, being the Northeasterly Corner of Lot 132 Irregular Tract of said Section 22 and the Westerly Right-of-way Line of said Union Pacific Railway; Thence S 46°57'39" E, and on Easterly Line of Lot 132 Irregular Tract of said Section 22 or the Westerly Right-of-way Line of said Union Pacific Railway, a distance of 2251.73 feet to a found 5/8" rebar, being the Southeasterly Corner of Lot 132 Irregular Tract of said Section 22; Thence N 89°24'42" W, and on the Southerly Line of Lot 132 Irregular Tract of said Section 22, a distance of 659.59 feet to a found 5/8" rebar, being the Southwesterly Corner of Lot 132 Irregular Tract of said Section 22 or a point on the Easterly Right-of-way Line of said Burlington Northern and Santa Fe Railway and also on a curve to the right; Thence on curve to the right and on the Southwesterly Line of Lot 132 Irregular Tract of said Section 22 or the Easterly Right-of-way Line of said Burlington Northern and Santa Fe Railway, having a radius of 1046.28 feet, an arc length of 88.61 feet and a central angle of 04°51'08", with a chord bearing of N 37°22'02" W, a chord distance of 88.58 feet to found 5/8" rebar; Thence S 55°03'32" W, and on the Southeasterly Line of Lot 132 Irregular Tract of said Section 22 or the Northwesterly Right-of-way Line of said Burlington Northern and Santa Fe Railway, a distance of 50.00 feet to a found 5/8" rebar, being the West-Southwesterly Corner of Lot 132 Irregular Tract of said Section 22; Thence N 34°56'54" W, and on the Westerly Line of Lot 132 Irregular Tract of said Section 22 or the Easterly Right-of-way Line of said Burlington Northern and Santa Fe Railway, a distance of 1813.29 feet to the point of beginning and containing a calculated area of 720,925.78 square feet or 16.550 acres, more or less.

Exhibit C

LEGAL DESCRIPTION

AREA OF CHANGE OF ZONING

A legal description of a portion of Lot 81 Irregular Tract, located in the Southeast Quarter of Section 15 and a portion of Lots 263 Irregular Tract, located in the Northeast Quarter of Section 22, all located in Township 10 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska and being more particularly described by metes and bounds as follows:

Referring to a found LCSM Aluminum Cap, being the Northeast Corner of Section 22, Township 10 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska and also said point is the Southeast Corner of Lot 81 Irregular Tract, located in the Southeast Quarter of Section 15, Township 10 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska or the Northeast Corner of Lot 263 Irregular Tract of said Section 22; Thence S 89°13'59" W, (an assumed bearing), and on the North Line of the Northeast Quarter and Lot 263 Irregular Tract of said Section 22 or the South Line of Lot 81 Irregular Tract of said Section 15, a distance of 70.25 feet to a point, being the POINT OF BEGINNING; Thence S 13°29'07" E, a distance of 55.33 feet to a point; Thence S 00°00'00" E, a distance of 54.83 feet to a point, being the Point of Curvature; Thence on a curve to the right, having a radius of 140.65 feet, an arc length of 108.08 feet and a central angle of 44°01'41", with a chord bearing of S 22°00'50" W, a chord distance of 105.44 feet to a point, being the Point of Tangency; Thence S 44°01'41" W, a distance of 45.79 feet to a point; Thence N 90°00'00" W, a distance of 637.81 feet to a point; Thence S 44°08'35" W, a distance of 27.87 feet to a point; Thence N 90°00'00" W, a distance of 94.18 feet to a point; Thence N 47°56'44" W, a distance of 39.71 feet to a point; Thence N 90°00'00" W, a distance of 28.23 feet to a point; Thence S 33°05'04" W, a distance of 26.97 feet to a point; Thence 90°00'00" W, a distance of 70.10 feet to a point on the East Line of Lot 303 or the West Line of Lot 263 Irregular Tracts of said Section 22; Thence N 00°19'52" E, and on the East Line of Lot 303 or the West Line of Lot 263 Irregular Tracts of said Section 22, a distance of 380.48 feet to a point; Thence N 90°00'00" E, a distance of 257.10 feet to a point; Thence S 43°01'01" E, a distance of 18.18 feet to a point; Thence N 90°00'00" E, a distance of 356.21 feet to a point; Thence N 00°00'00" E, a distance of 60.39 feet to a point; Thence N 90°00'00" E, a distance of 77.86 feet to a point; Thence N 00°00'33" W, a distance of 37.91 feet to a point, being the Point of Curvature; Thence on a curve to the right, having a radius of 280.00 feet, an arc length of 89.48 feet and a central angle of 18°18'39", with a chord bearing of N 09°08'46" E, a chord distance of 89.10 feet to a point; Thence S 61°30'40" E, a distance of 150.36 feet to a point; Thence S 00°00'00" E, a distance of 114.49 feet to a point; Thence N 90°00'00" E, a distance of 17.86 feet to a point, being the Point of Curvature; Thence on a curve to the right, having a radius of 70.50 feet, an arc length of 94.15 feet and a central angle of 76°30'53", with a chord bearing of S 51°44'33" E, a chord distance of 87.31 feet to a point, being the Point of Tangency; Thence S 13°29'07" E, a distance of 59.52 feet to the point of beginning and containing a calculated area of 365,270.85 square feet or 8.385 acres more or less.

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